

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Wayne L. Ryan et al.      Group Art Unit: 1641

Serial No.: 09/747,619

Examiner: T. McCaa

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For: IMPROVED FLOW CYTOMETRY REAGENT AND SYSTEM

Attorney Docket No.: 1003-015

Commissioner of Patents  
Washington, D.C. 20231

**DRAFT**

**NOT TO BE PLACED IN APPLICATION FILE**

**PROPOSED AMENDED CLAIMS WITH MARKINGS**  
**TO SHOW CHANGES MADE**

1. (proposed amended)      A reagent composition for preparing leukocytes for cytometric analysis, comprising:

- a.      a lipoprotein; [and]  
b.      an agent for lysing erythrocytes for permitting cytometric analysis of said leukocytes; and  
c.      a preservative selected from the group consisting of diazolidinyl urea (DU), imidazolidinyl urea (IDU), an oxazolidine and mixtures thereof.

5. (proposed amended) A system for flow cytometry, comprising:

- a.      a flow cytometer instrument;  
b.      a reagent for preparing leukocytes for analysis by flow cytometry, said reagent including:

- i.      a lipoprotein;

- ii. an agent for lysing erythrocytes for permitting cytometric analysis of said leukocytes; and
  - iii. a preservative selected from the group consisting of diazolidinyl urea (DU), imidazolidinyl urea (IDU), an oxazolidine and mixtures thereof.
- [i. an effective amount of a lipoprotein; and
  - ii. an effective amount of a lytic agent.]

6. (proposed cancelled) The composition of claim 1 further comprising a preservative.

7. (proposed cancelled) The composition of claim 1 wherein said preservative is a noncoagulative preservative.

8. (proposed cancelled) The composition of claim 1 wherein said preservative is selected from the group consisting of diazolidinyl urea (DU), imidazolidinyl urea (IDU), an oxazolidine and mixtures thereof.

9. (proposed amended) The composition of claim 1 further comprising [an effective amount of] a physiologically compatible salt.

10.\*\*\* The composition of claim 1 wherein said lipoprotein is a high density lipoprotein.

11.\*\*\* The composition of claim 1 wherein said agent for lysing is saponin.

35. (proposed amended) The system of claim 5 further comprising a sample preparation instrument for preparing a whole blood sample for flow cytometric analysis.

36. The system of claim 5 further comprising an antibody for binding with a surface [antigen] antigen of at least one of said leukocytes.

37.\*\*\* The system of claim 36 further comprising a fluorochrome associated with said antibody.

38.\*\*\* The system of claim 36 wherein said antibody is a monoclonal antibody.

39. (proposed new) A reagent composition for preparing leukocytes for cytometric analysis, comprising:

- a. a high density lipoprotein;
- d. an agent for lysing erythrocytes for permitting cytometric analysis of said leukocytes; and
- e. a preservative selected from the group consisting of diazolidinyl urea (DU), imidazolidinyl urea (IDU), an oxazolidine and mixtures thereof.

40. (proposed new) A reagent composition for preparing leukocytes for cytometric analysis, comprising:

- a. a high density lipoprotein;
- b. an agent for lysing erythrocytes for permitting cytometric analysis of said leukocytes; and
- c. diazolidinyl urea (DU).

\*\*\*Denotes claims for which no amendment is proposed, but which are included herein for reference purposes.